



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,409	10/24/2003	Jeffrey P. Snover	MS1-1739US	1913

22801 7590 02/07/2006

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
----------	--------------

2193

DATE MAILED: 02/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,409

Applicant(s)

SNOVER ET AL.

Examiner

William H. Wood

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


TODD INGERBERG
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/1/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-20 are pending and have been examined.

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 01 April 2004 was considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 6, 8, 9-10 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Altiris **RapidInstall**, version 3.0, "Release Notes".

Claim 1

RapidInstall disclosed in a command line operating environment, a computer-executable method comprising:

executing each command on a command line in a first execution mode or in an alternate execution mode (*page 1, section "Simulated Install –si command line"*), wherein executing the command in the alternate execution mode occurs when the command includes an instruction to execute in the alternate execution mode (*page 1,*

Art Unit: 2193

section “*Simulated Install –si command line*”), the alternate execution mode being provided by the operating environment (*the RapidInstall environment*).

Claim 2

RapidInstall disclosed the computer-executable method of claim 1, wherein the alternate execution mode visually displays results of executing the command (*page 1, section “Simulated Install –si command line”*).

Claim 3

RapidInstall disclosed the computer-executable method of claim 1, wherein the alternate execution mode visually displays simulated results of executing the command (*page 1, section “Simulated Install –si command line”*).

Claim 6

RapidInstall disclosed the computer-executable method of claim 1, wherein executing the command in the alternate execution mode further occurs when the command line includes a switch indicating the alternate execution mode (*page 1, section “Simulated Install –si command line”*).

Claim 8

RapidInstall disclosed the computer-executable method of claim 1, wherein the

Art Unit: 2193

instruction comprises a call to a method provided by the operating environment (*page 1, section "Simulated Install -si command line"; the RapidInstall environment*).

Claims 9-10 and 16-18

The limitations of claims 9-10 and 16-18 are substantially the same as for claims 1-3, 6 and 8 and as such are rejected in the same manner.

Claim 12

RapidInstall disclosed the computer-readable medium of claim 9, wherein the task comprises a stand-alone executable command (*page 1, section "Simulated Install -si command line"*).

Claim Rejections - 35 USC § 102/103

4. Claims 7 and 11 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Altiris **RapidInstall**, version 3.0, "Release Notes".

Claim 7

RapidInstall disclosed the computer-executable method of claim 6, wherein the switch comprises "whatif" (*nonfunctional descriptive material reads upon **RapidInstall** page 1, section "Simulated Install -si command line"; "whatif" is unique label just like "-si"*) and

Art Unit: 2193

the alternate execution mode visually displays simulated results of executing the command (see *claim 3*).

Claim 11

The limitations of claims 11 are substantially the same as for claim 7 and as such are rejected in the same manner.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5, 13-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Altiris **RapidInstall**, version 3.0, "Release Notes".

Claims 4 and 19

RapidInstall did not explicitly state *wherein the alternate execution mode prompts for verification of executing the command before executing the command*. Official Notice is taken that it was known at the time of invention to make use of verification prompts. It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** with a verification process as is often typical. This implementation would have been obvious because one of ordinary skill in the art would

Art Unit: 2193

be motivated to allow a user to “make sure” before an action irrecoverably alters the system's configuration or performance.

The limitations of claim 19 are substantially the same as for claim 4 and as such are rejected in the same manner.

Claims 5 and 20

RapidInstall did not explicitly state *wherein the alternate execution mode performs a security check to determine whether a user requesting the execution of the command has sufficient privileges to execute the command*. Official Notice is taken that it was known at the time of invention to make use of command security checking. It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** with a verification as to user security or access level process as is often typical. This implementation would have been obvious because one of ordinary skill in the art would be motivated to allow a system to provide security to functions or commands which might have a significant impact on a system's configuration or performance.

The limitations of claim 20 are substantially the same as for claim 5 and as such are rejected in the same manner.

Claims 13-15

RapidInstall did not explicitly state *wherein the task comprises a pipeline of executable commands, each executable command operating in a separate process; wherein the task comprises a pipeline of executable commands, each executable command operating in the same process; or wherein each executable command comprises an instantiated class*. Official Notice is taken that it was known at the time of invention to make use of multi-process/threaded systems; pipelining processes and objected oriented class/object technology. It would have been obvious to one of ordinary skill in the art at the time of invention to implement **RapidInstall** system with each of the above technologies to create a series of pipelined commands operating on either one process or multiple processes and using class instantiation. This implementation would have been obvious because one of ordinary skill in the art would be motivated: to increase flexibility (of design and implementation) through the use of discrete pipelineable commands; to increase workload throughput through multiple processes; and to increase ease of software maintenance with object oriented technology.

Art Unit: 2193

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.


William H. Wood
January 23, 2006



**TODD INGBERG
PRIMARY EXAMINER**